

REMARKS

Applicant is in receipt of the Office Action mailed November 28, 2003. Claims 1-28 remain pending in the case. Further consideration of the present application is respectfully requested in light of the following remarks.

Section 112 Rejections

Claims 1, 10, and 20 have been amended to clarify the scope of the claimed invention in response to the 35 U.S.C. 112, second paragraph, rejection of these claims. Removal of the section 112 rejection of these claims is respectfully requested.

Section 102 Rejections

Claims 1, 3-10, 12-20, and 22-28 were rejected under 35 U.S.C. 102(b) as being anticipated by Browning et al., (US Patent 6,590,366, "Browning"). Applicant respectfully disagrees.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant appreciates the Examiner's allowance of the matter of claims 2, 11, and 21 (if amended to overcome the 112 rejection, and written in independent form, including the limitations of their respective base claims), however, Applicant respectfully submits that the independent claims are allowable as currently amended.

Regarding claim 1, the Office asserts that Browning teaches a system operable to "determine a placement of pulses for each of a plurality of time intervals, wherein the pulses are placed evenly across the plurality of time intervals, wherein the quantity of pulses in each of the time intervals is variable", citing Figures 12-17. However, Figures 12-17 do not illustrate or include this feature of Applicant's invention as represented in claim 1. In fact,

nowhere does Browning teach or suggest determining a placement of pulses for each of a plurality of time intervals, wherein the pulses are placed evenly across the plurality of time intervals, wherein the quantity of pulses in each of the time intervals is variable. Rather, Browning discloses a system for controlling an electromagnetic member, where a compensation filter is used to isolate negative stiffness characteristics, and specifically does not teach this feature of claim 1.

For at least the reasons given above, Applicant respectfully submits that claim 1, and claims dependent thereon, are patentably distinct over Browning, and thus are allowable. Applicant further submits that since independent claims 10 and 20 also include this limitation, claims 10 and 20, and claims respectively dependent thereon, are similarly patentably distinct over Browning, and are thus allowable, as well. Removal of the 102 rejection of claims 1-28 is respectfully requested.

Applicant also asserts that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-53800/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$ for fees ().
- ☐ Other:

Respectfully submitted,



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